

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

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Subchapter 8.5 Consumer Products

Article 3. Aerosol Coating Products

§ 94521. Definitions.

(a) For the purposes of this article, the following definitions apply:

- (1) "Adhesive" means a product used to bond one surface to another.
- (2) "Aerosol Coating Product" means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- (3) "Anti-Static Spray" means a product used to prevent or inhibit the accumulation of static electricity.
- (4) "Art Fixative or Sealant" means a clear coating, including art varnish, workable art fixative, and ceramic coating, which is designed and labeled exclusively for application to paintings, pencil, chalk, or pastel drawings, ceramic art pieces, or other closely related art uses, in order to provide a final protective coating or to fix preliminary stages of artwork while providing a workable surface for subsequent revisions.
- (5) "ASTM" means the American Society for Testing and Materials.
- (6) "Auto Body Primer" means an automotive primer or primer surfacer coating designed and labeled exclusively to be applied to a vehicle body substrate for the purposes of corrosion resistance and building a repair area to a condition in which, after drying, it can be sanded to a smooth surface.
- (7) "Automotive Bumper and Trim Product" means a product, including adhesion promoters and chip sealants, designed and labeled exclusively to repair and refinish automotive bumpers and plastic trim parts.
- (8) "Automotive Underbody Coating" means a flexible coating which contains asphalt or rubber and is designed and labeled exclusively for use on the underbody of motor vehicles to resist rust, abrasion and vibration, and to deaden sound.
- (9) "Aviation Propeller Coating" means a coating designed and labeled exclusively to provide abrasion resistance and corrosion protection for aircraft propellers.
- (10) "Aviation or Marine Primer" means a coating designed and labeled exclusively to meet federal specification TT-P-1757.
- (11) "Base Reactive Organic Gas Mixture" (Base ROG Mixture) means the mixture of reactive organic gases utilized in deriving the MIR scale.
- (12) "Belt Dressing" means a product applied on auto fan belts, water pump belting, power transmission belting, and industrial and farm machinery belting to prevent slipping, and to extend belt life.
- (13) "Cleaner" means a product designed and labeled primarily to remove soil or other contaminants from surfaces.
- (14) "Clear Coating" means a coating which is colorless, containing resins but no pigments except flattening agents, and is designed and labeled to form a transparent or translucent solid film.
- (15) "Coating Solids" means the nonvolatile portion of an aerosol coating product, consisting of the film forming ingredients, including pigments and resins.
- (16) "Commercial Application" means the use of aerosol coating products in the production of goods, or the providing of services for profit, including touch-up and repair.
- (17) "Corrosion Resistant Brass, Bronze, or Copper Coating" means a clear coating designed and labeled exclusively to prevent tarnish and corrosion of uncoated brass, bronze, or copper metal surfaces.
- (18) "Distributor" means any person to whom an aerosol coating product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.
- (19) "Dye" means a product containing no resins which is used to color a surface or object without building a film.
- (20) "Electrical Coating" means a coating designed and labeled exclusively as such, which is used exclusively to coat electrical components such as wire windings on electric motors to provide insulation and protection from corrosion.
- (21) "Enamel" means a coating which cures by chemical cross-linking of its base resin and is not resoluble in its original solvent.

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(22) "Engine Paint" means a coating designed and labeled exclusively to coat engines and their components.

(23) "Exact Match Finish, Engine Paint" means a coating which meets all of the following criteria: (A) the product is designed and labeled exclusively to exactly match the color of an original, factory-applied engine paint; (B) the product is labeled with the manufacturer's name for which they were formulated; and (C) the product is labeled with one of the following: (1.) the original equipment manufacturer's (O.E.M.) color code number; (2.) the color name; or (3.) other designation identifying the specific O.E.M. color to the purchaser.

(24) "Exact Match Finish, Automotive" means a topcoat which meets all of the following criteria: (A) the product is designed and labeled exclusively to exactly match the color of an original, factory-applied automotive coating during the touch-up of automobile finishes; (B) the product is labeled with the manufacturer's name for which they were formulated; and (C) the product is labeled with one of the following: (1.) the original equipment manufacturer's (O.E.M.) color code number; (2.) the color name; or (3.) other designation identifying the specific O.E.M. color to the purchaser. Notwithstanding the foregoing, automotive clear coatings designed and labeled exclusively for use over automotive exact match finishes to replicate the original factory applied finish shall be considered to be automotive exact match finishes.

(25) "Exact Match Finish, Industrial" means a coating which meets all of the following criteria: (A) the product is designed and labeled exclusively to exactly match the color of an original, factory-applied industrial coating during the touch-up of manufactured products; (B) the product is labeled with the manufacturer's name for which they were formulated; and (C) the product is labeled with one of the following: (1.) the original equipment manufacturer's (O.E.M.) color code number; (2.) the color name; or (3.) other designation identifying the specific O.E.M. color to the purchaser.

(26) "Executive Officer" means the Executive Officer of the Air Resources Board, or her or his delegate.

(27) "Flat Paint Products" means a coating which, when fully dry, registers specular gloss less than or equal to 15 on an 85° gloss meter, or less than or equal to 5 on a 60° gloss meter, or which is labeled as a flat coating.

(28) "Flatting Agent" means a compound added to a coating to reduce the gloss of the coating without adding color to the coating.

(29) "Floral Spray" means a coating designed and labeled exclusively for use on fresh flowers, dried flowers, or other items in a floral arrangement for the purposes of coloring, preserving or protecting their appearance.

(30) "Fluorescent Coating" means a coating labeled as such, which converts absorbed incident light energy into emitted light of a different hue.

(31) "Glass Coating" means a coating designed and labeled exclusively for use on glass or other transparent material to create a soft, translucent light effect, or to create a tinted or darkened color while retaining transparency.

(32) "Ground Traffic/Marking Coating" means a coating designed and labeled exclusively to be applied to dirt, gravel, grass, concrete, asphalt, warehouse floors, or parking lots. Such coatings must be in a container equipped with a valve and sprayhead designed to direct the spray toward the surface when the can is held in an inverted vertical position.

(33) "High Temperature Coating" means a coating, excluding engine paint, which is designed and labeled exclusively for use on substrates which will, in normal use, be subjected to temperatures in excess of 400°F.

(34) "Hobby/Model/Craft Coating" means a coating which is designed and labeled exclusively for hobby applications and is sold in aerosol containers of 6 ounces by weight or less.

(35) "Ingredient" means a component of an aerosol coating product.

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(36) "Ink" means a fluid or viscous substance used in the printing industry to produce letters, symbols or illustrations, but not to coat an entire surface.

(37) "Lacquer" means a thermoplastic film-forming material dissolved in organic solvent, which dries primarily by solvent evaporation, and is resolvable in its original solvent.

(38) "Layout Fluid" (or toolmaker's ink) means a coating designed and labeled exclusively to be sprayed on metal, glass or plastic, to provide a glare-free surface on which to scribe designs, patterns or engineering guide lines prior to shaping the piece.

(39) "Leather preservative or cleaner" means a leather treatment material applied exclusively to clean or preserve leather.

(40) "Lubricant" means a substance such as oil, petroleum distillates, grease, graphite, silicone, lithium, etc. that is used to reduce friction, heat, or wear when applied between surfaces.

(41) "Manufacturer" means any person who imports, manufactures, assembles, produces, packages, repackages, or relabels a consumer product.

(42) "Marine Spar Varnish" means a coating designed and labeled exclusively to provide a protective sealant for marine wood products.

(43) "Maskant" means a coating applied directly to a component to protect surface areas when chemical milling, anodizing, aging, bonding, plating, etching, or performing other chemical operations on the surface of the component.

(44) "Maximum Incremental Reactivity" (MIR) means the maximum change in weight of ozone formed by adding a compound to the "Base ROG Mixture" per weight of compound added, expressed to hundredths of a gram ($\text{g O}_3/\text{g ROG}$). MIR values for individual compounds and hydrocarbon solvents are specified in sections 94700 and 94701, Title 17, California Code of Regulations.

(45) "Metallic Coating" means a topcoat which contains at least 0.5 percent by weight elemental metallic pigment in the formulation, including propellant, and is labeled as "metallic", or with the name of a specific metallic finish such as "gold", "silver", or "bronze."

(46) "Mold Release" means a coating applied to molds to prevent products from sticking to the surfaces of the mold.

(47) "Multi-Component Kit" means an aerosol spray paint system which requires the application of more than one component (e.g. foundation coat and top coat), where both components are sold together in one package.

(48) "Nonflat Paint Product" means a coating which, when fully dry, registers a specular gloss greater than 15 on an 85° gloss meter or greater than five on a 60° gloss meter.

(49) "Ozone" means a colorless gas with a pungent odor, having the molecular form O_3 .

(50) "Percent VOC By Weight" means the ratio of the weight of VOC to the total weight of the product contents expressed as follows:

Percent VOC By Weight = $(W_{\text{VOC}} / W_{\text{total}}) \times 100$

Where:

(A) for products containing no water and no volatile compounds exempt from the definition of VOC: W_{VOC} = the weight of volatile compounds;

(B) for products containing water or exempt compounds: W_{VOC} = the weight of volatile compounds, less water, and less compounds exempt from the VOC definition in this section 94521; and

(C) W_{total} = the total weight of the product contents.

(51) "Photograph Coating" means a coating designed and labeled exclusively to be applied to finished photographs to allow corrective retouching, protection of the image, changes in gloss level, or to cover fingerprints.

(52) "Pleasure Craft" means privately owned vessels used for noncommercial purposes.

(53) "Pleasure Craft Finish Primer/Surfacer/Undercoater" means a coating designed and labeled exclusively to be applied prior to the application of a pleasure craft topcoat for the purpose of corrosion

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resistance and adhesion of the topcoat, and which promotes a uniform surface by filling in surface imperfections.

(54) "Pleasure Craft Topcoat" means a coating designed and labeled exclusively to be applied to a pleasure craft as a final coat above the waterline and below the waterline when stored out of water. This category does not include clear coatings.

(55) "Polyolefin Adhesion Promoter" means a coating designed and labeled exclusively to be applied to a polyolefin or polyolefin copolymer surface of automotive body parts, bumpers, or trim parts to provide a bond between the surface and subsequent coats.

(56) "Primer" means a coating labeled as such, which is designed to be applied to a surface to provide a bond between that surface and subsequent coats.

(57) "Product-Weighted MIR" (PWMIR) means the sum of all weighted-MIR for all ingredients in a product subject to this article. The PWMIR is the total product reactivity expressed to hundredths of a gram of ozone formed per gram of product (excluding container and packaging) and calculated according to the following equations:

(a) Weighted MIR (Wtd-MIR) ingredient = MIR x Weight fraction ingredient,

and,

(b) Product Weighted MIR = (Wtd-MIR)₁ + (Wtd-MIR)₂ + ... + (Wtd-MIR)_n

where,

MIR = ingredient MIR, as specified in section 94522(h);

Wtd-MIR = MIR of each ingredient in a product multiplied by the weight fraction of that ingredient, as shown in (a);

1,2,3,...,n = each ingredient in the product up to the total n ingredients in the product.

(58) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

(59) "Reactivity Limit" means the maximum "product-weighted MIR" allowed in an aerosol coating product that is subject to the limits specified in section 94522(a)(3) for a specific category, expressed as g O₃/g product.

(60) "Reactive Organic Compound (ROC)" means any compound that has the potential, once emitted, to contribute to ozone formation in the troposphere.

(61) "Responsible Party" means the company, firm, or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by", as noted on the label.

(62) "Retailer" means any person who sells, supplies, or offers aerosol coating products for sale directly to consumers.

(63) "Retail Outlet" means any establishment where consumer products are sold, supplied, or offered for sale, directly to consumers.

(64) "Rust Converter" means a product designed and labeled exclusively to convert rust to an inert material and which contains a minimum acid content of 0.5 percent by weight, and a maximum coating solids content of 0.5 percent by weight.

(65) "Shellac Sealer" means a clear or pigmented coating formulated solely with the resinous secretion of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

(66) "Slip-Resistant Coating" means a coating designed and labeled exclusively as such, which is formulated with synthetic grit and used as a safety coating.

(67) "Spatter Coating/Multicolor Coating" means a coating labeled exclusively as such wherein spots, globules, or spatters of contrasting colors appear on or within the surface of a contrasting or similar background.

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(68) "Stain" means a coating which is designed and labeled to change the color of a surface but not conceal the surface.

(69) "Upper-Limit Kinetic Reactivity" (ULKR) means the maximum percentage of the emitted ROC which has reacted. For this article, the ULKR is one hundred percent and is used to calculate the ULMIR.

(70) "Upper-Limit Mechanistic Reactivity" (ULMR) means the maximum gram(s) of ozone formed per gram of reactive organic compound (ROC) reacting. The ULMR is used to calculate the ULMIR.

(71) "Upper-Limit MIR" (ULMIR) means the upper-limit kinetic reactivity (ULKR) multiplied by the upper-limit mechanistic reactivity (ULMR), as calculated using the following equation:

$$\text{ULMIR} = \text{Upper Limit KR} \times \text{Upper Limit MR.}$$

The units for ULMIR are g O₃/g ROC.

(72) "Vinyl/Fabric/Leather/Polycarbonate Coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.

(73) "Volatile Organic Compound (VOC)" means any compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

- (A) methane,
- methylene chloride (dichloromethane),
- 1,1,1-trichloroethane (methyl chloroform),
- trichlorofluoromethane (CFC-11),
- dichlorodifluoromethane (CFC-12),
- 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113),
- 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114),
- chloropentafluoroethane (CFC-115),
- chlorodifluoromethane (HCFC-22),
- 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123),
- 1,1-dichloro-1-fluoroethane (HCFC-141b),
- 1-chloro-1,1-difluoroethane (HCFC-142b),
- 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124),
- trifluoromethane (HFC-23),
- 1,1,2,2-tetrafluoroethane (HFC-134),
- 1,1,1,2-tetrafluoroethane (HFC-134a),
- pentafluoroethane (HFC-125),
- 1,1,1-trifluoroethane (HFC-143a),
- 1,1-difluoroethane (HFC-152a),
- cyclic, branched, or linear completely methylated siloxanes,
- the following classes of perfluorocarbons:
 - 1. cyclic, branched, or linear, completely fluorinated alkanes;
 - 2. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - 3. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - 4. sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, and

(B) the following low-reactive organic compounds which have been exempted by the U.S. EPA:

- acetone,
- ethane,
- methyl acetate,
- parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene),
- perchloroethylene (tetrachloroethylene).

(74) "Webbing/Veiling Coating" means a coating designed and labeled exclusively to provide a stranded to spider webbed appearance when applied.

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(75) "Weight Fraction" means the weight of an ingredient divided by the total net weight of the product, expressed to thousandths of a gram of ingredient per gram of product (excluding container and packaging). The weight fraction is calculated according to the following equation:

$$\text{Weight Fraction} = \frac{\text{Weight of the ingredient}}{\text{Total product net weight (excluding container and packaging)}}$$

(76) "Weld-Through Primer" means a coating designed and labeled exclusively to provide a bridging or conducting effect for corrosion protection following welding.

(77) "Wood Stain" means a coating which is formulated to change the color of a wood surface but not conceal the surface.

(78) "Wood Touch-Up/Repair/Restoration" means a coating designed and labeled exclusively to provide an exact color or sheen match on finished wood products.

(79) "Working Day" means any day between Monday through Friday, inclusive, except for days that are federal holidays.

NOTE: Authority cited: Sections 39600, 39601 and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000 and 41712, Health and Safety Code.

REFERENCE